

## Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 OES-07 ACDA-12 CIAE-00 INR-10 IO-13  
L-03 NSAE-00 NSC-05 EB-08 NRC-05 SOE-02 DODE-00  
SS-15 SP-02 CEQ-01 PM-05 NSF-01 OIC-02 /104 W  
-----054469 272129Z /73

R 272029Z FEB 78  
FM AMEMBASSY BRUSSELS  
TO SECSTATE WASHDC 5161  
INFO DOE WASHDC  
DOE GERMANTOWN  
AMEMBASSY VIENNA  
ALL EC CAPITALS

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USEEC

VIENNA FOR USIAEA

E.O. 11652: N/A  
TAGS: PARM, ENRG, EEC, TECH  
SUBJECT: NUCLEAR NON-PROLIFERATION - AMBASSADOR SMITH AND  
- THE EC

1. SUMMARY. AMBASSADOR SMITH'S DISCUSSIONS WITH EC  
OFFICIALS COVERED U.S. NON-PROLIFERATION LEGISLATION,  
INFCE, EURATOM-IAEA VERIFICATION AGREEMENT, AND NUCLEAR  
MATERIAL SUPPLY. KEY POINTS: (A) AMBASSADOR SMITH SUG-  
GESTED CONTINUED MEETINGS WITH EC, PERHAPS SEVERAL TIMES A  
YEAR; (B) EC ASKED FOR AMBASSADOR SMITH'S HELP IN SOFTENING  
RIGIDITY BEING ENCOUNTERED AT CONTACT GROUP LEVEL IN IAEA-  
EURATOM NEGOTIATIONS; (C) AMBASSADOR SMITH AGREED THAT  
DETECTION TIMES FOR SENSITIVE FACILITIES SHOULD BE CON-  
SIDERED TO BE PROVISIONAL GOALS RATHER THAN FIXED POLICY  
UNTIL THE TECHNOLOGY IS BETTER UNDERSTOOD; (D) AMBASSADOR  
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SMITH STRESSED NECESSITY FOR TALKS TO START ON RENEGOTIA-  
TION OF U.S.-EURATOM AGREEMENT, REPEATED HIS VIEW THAT THEY  
WOULD NOT LIKELY BE CONCLUDED UNTIL INFCE RESULTS ARE  
AVAILABLE, AND DENIED REPORTS THAT HE HAD TOLD FRENCH  
RENEGOTIATION NEED NOT START UNTIL AFTER INFCE; (E) AMBAS-  
SADOR SMITH ADVISED EC THAT NEW U.S. LEGISLATION DID NOT  
REQUIRE PRIOR U.S. APPROVAL OF INTRA-EC TRANSFERS OF U.S.-

ORIGIN MATERIAL. END SUMMARY.

2. COMMISSIONER BRUNNER OPENED THE MEETING WITH A RESTATEMENT OF THE EC COMMISSION'S FULL AGREEMENT WITH U.S. OBJECTIVES ON NON-PROLIFERATION. HE NOTED RECENT FAVORABLE PROGRESS IN RESOLVING ISSUES WITH IAEA ON FACILITY ATTACHMENTS, SAYING THAT HE HOPED THAT THE OUTSTANDING ISSUES CAN NOW BE WRAPPED UP QUICKLY. HE SAID THAT IT WAS APPROPRIATE FOR THE COMMISSION TO TAKE A LOOK AT THE PROVISIONS OF THE EURATOM TREATY FROM A LONG-TERM POINT OF VIEW AND WORK TOWARD "REVITALIZING" THEM TO MATCH U.S. NON-PROLIFERATION AIMS. HE EXPRESSED APPRECIATION FOR AMBASSADOR SMITH'S ROLE AT THE RECENT BOARD OF GOVERNORS MEETING IN VIENNA, NOTING THAT IT WAS A RELIEF TO KNOW THAT THE U.S. IS STILL A "FRIEND." FINALLY, HE SAID THAT THE EC WOULD CONTINUE THEIR EFFORTS TO REPLY TO THE U.S. NOTE (OF OCTOBER 19, 1977) REGARDING RENEGOTIATION OF THE U.S.-EURATOM AGREEMENTS FOR COOPERATION. AMBASSADOR SMITH RESPONDED THAT HE HOPED THIS MEETING WOULD BE A PRECEDENT FOR PERIODIC MEETINGS WITH THE EC--PERHAPS SEVERAL TIMES A YEAR.

3. LEONARD WILLIAMS THEN GAVE A STATUS REPORT ON NEGOTIATIONS WITH IAEA ON FACILITY ATTACHMENTS. HE STARTED BY REVIEWING EVENTS SINCE JULY 1977 AT WHICH TIME HE SAID THAT THE EC AND VINNA HAD REACHED A "MODUS VIVENDI" ON HOW TO LIMITED OFFICIAL USE

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PROCEED. "BEFORE THE INK WAS DRY" ON THAT AGREEMENT, THE IAEA (RESPONDING TO U.S. INSTIGATION, HE SAID) INTRODUCED NEW CONCEPTS, E.G., THE EQUATING OF CONVERSION TIMES TO INSPECTION INTERVALS. HE MENTIONED THESE CHANGES TO ILLUSTRATE THAT EURATOM HAS NOT BEEN WHOLLY RESPONSIBLE FOR DELAYS. HE MENTIONED THE EXTREMELY COMPLICATED ACCOUNTING PROCEDURES CALLED FOR BY IAEA, NOTING THAT THE EC ACCEPTS THEM, BUT THAT THEY ARE TIME-CONSUMING TO BRING INTO BEING. HE THEN STRESSED THE INTERNATIONAL CHARACTER OF EURATOM SAFEGUARDS, NOTING THAT THIS SEEMS TO HAVE BEEN OVERLOOKED LATELY. HE POINTED OUT THAT IN FRG, ONLY 25 PERCENT OF THE INSPECTORS ARE GERMAN AND THAT, THROUGHOUT EURATOM, ALL INSPECTORS HAVE PERMANENT CAREER CONTRACTS WITH NO NATIONAL TIES.

4. WILLIAMS SAID THAT THE EC IS AWARE OF THE "JAPANESE CONNECTION," IN WHICH JAPAN, AS A CARROT TO GET ACCEPTANCE OF NPT, WAS PROMISED EQUAL TREATMENT FROM IAEA AS AFFORDED TO EURATOM. THE EC, HE SAID, SUPPORTS AND UNDERSTANDS THAT POLICY, BUT IT HAS LED TO DUPLICATION OF EFFORT WITHIN EURATOM THAT BORDERS AT TIMES ON THE ABSURD. REFLECTING ON THIS DUPLICATION, HE NOTED THAT THE OBVIOUS QUESTION THAT

THEN ARISES IS: WHY RETAIN THE EURATOM SAFEGUARDS SYSTEM?  
THE EC RESPONSE TO THAT IS: (1) THE EURATOM TREATY REQUIRES  
THAT IT EXIST; (2) IT HAS BROADER AND DEEPER AIMS THAN THE  
IAEA SAFEGUARDS; AND (3) IT COULD SERVE AS AN IMPORTANT  
NUCLEUS FOR SUPPORTING SOME OF THE INTERNATIONAL AND  
REGIONAL CONCEPTS FOR NUCLEAR FUEL MANAGEMENT THAT MAY  
RESULT FROM INFCE.

5. RETURNING TO THE IAEA-EURATOM FACILITY ATTACHMENTS,  
WILLIAMS SAID THAT, ALTHOUGH EURATOM HAS BEEN LEANING OVER  
BACKWARDS, THERE IS STILL CONSIDERABLE SCOPE FOR RIGIDITY  
AND FRICTION AT THE CONTACT GROUP LEVEL. HE SAID THAT THE

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NSAE-00 NSC-05 EB-08 NRC-05 OES-07 SOE-02 DODE-00  
SS-15 SP-02 CEQ-01 PM-05 NSF-01 OIC-02 /104 W  
-----054594 272131Z /73

R 272029Z FEB 78  
FM AMEMBASSY BRUSSELS  
TO SECSTATE WASHDC 5162  
INFO DOE WASHDC  
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USEEC

VIENNA FOR USIAEA

COMMISSION IS GOING TO TRY TO REMOVE THIS RIGIDITY ON THEIR  
SIDE (HE SAID LATER THAT HE WAS GOING TO LUXEMBOURG NEXT  
WEEK TO TALK TO THE WORKING LEVEL PEOPLE) AND HE HOPED THAT  
AMBASSADOR SMITH WOULD USE HIS INFLUENCE TO HELP ACHIEVE A  
SIMILAR FLEXIBILITY ON THE VIENNA SIDE. HE HOPED TO SEE BUL  
OF LWR AND RESEARCH REACTOR FACILITY ATTACHMENTS FINISHED  
IN 60 DAYS, BUT DID NOT EXPECT ALL FACILITIES TO BE COM-  
PLETED WITHIN THAT PERIOD. ON DETECTION TIMES FOR SENSI-  
TIVE FACILITIES, HE SAID THAT THE EC AGREED IN PRINCIPLE  
AND WOULD TRY TO WRITE THEM IN TO THE RELEVANT FACILITY  
ATTACHMENTS (E.G., FOR THE WAK REPROCESSING FACILITY) BUT

THESE OUGHT TO BE REGARDED AS EXPERIMENTAL AIMS RATHER THAN AS A FIXED POLICY UNTIL THE PRACTICAL CONSEQUENCES CAN BE DETERMINED. HE REPORTED THAT BY THE END OF 1978, IAEA IS EXPECTED TO HAVE 25 INSPECTORS IN THE EURATOM COUNTRIES, EURATOM SAFEGUARDS WOULD HAVE 45. BY THE END OF 1979, THIS LIMITED OFFICIAL USE

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SHOULD INCREASE TO 40 FOR VIENNA AND 65 FOR EURATOM.

6. AMBASSADOR SMITH SAID THAT WILLIAMS' RELATIVELY OPTIMISTIC REPORT ON LWR'S MATCHED WHAT ROMETSCH TOLD HIM IN VIENNA AND THAT IF THAT MUCH CAN BE DONE WITHIN THE 60 DAY PERIOD, THE USSR DISCONTENT SHOULD LARGELY DISAPPEAR. HE REPORTED THAT HE HAD TOLD AMBASSADOR MOROKHOV THAT HE FELT THAT SUBSTANTIAL PROGRESS HAD BEEN MADE AND THAT THERE WAS NO JUSTIFICATION FOR THEIR BRUSQUE APPROACH. ON DETECTION TIMES, HE SAID THAT THE INTENTION IS THAT THESE ARE TO BE TREATED AS PROVISIONAL GUIDELINES AND ASPIRATIONS UNTIL THE TECHNOLOGY IS BETTER UNDERSTOOD.

7. TURNING TO THE NON-PROLIFERATION LEGISLATION, BRUNNER ASKED FOR CLARIFICATION ON ITS RELATIONSHIP, WITH RESPECT TO TIMING AND CONTENT, WITH INFCE. AMBASSADOR SMITH SAID HE PREFERRED TO DEFER TO THE LAWYERS FOR LEGAL ANALYSIS OF THE NEW ACT, BUT NOTED THAT IT WAS A VERY COMPLEX PIECE OF LEGISLATION WHICH APPEARS TO LEAVE MUCH ROOM FOR INTERPRETATION. WITH RESPECT TO EURATOM, HE SAID THE SITUATION IS CLEAR - IT CALLS ONLY FOR AN EXPRESSION OF WILLINGNESS TO TALK, NOT TO AGREE IN ADVANCE ON TERMS, AND THAT AS LONG AS THE NEGOTIATIONS ARE PROCEEDING IN GOOD FAITH THERE SHOULD BE NO PROBLEM. HE SAID THERE WERE A NUMBER OF ISSUES INDEPENDENT OF INFCE THAT COULD FRUITFULLY BE DISCUSSED DURING THE COURSE OF INFCE. HE THEN RECALLED HIS CONVERSATION IN FRANCE LAST SUMMER WHERE HE SAID THAT HE COULD NOT CONCEIVE OF EURATOM TALKS BEING CONCLUDED AHEAD OF INFCE BUT, CONTRARY TO RECENT REPORTS HE HAS HEARD, HE NEVER SAID THAT TALKS NEED NOT START UNTIL AFTER INFCE. AMBASSADOR SMITH THEN READ AN EXCERPT FROM THE SENATE REPORT ON THE ACT WHICH CLEARLY STATED THAT THE ACT DOES NOT REQUIRE PRIOR U.S. APPROVAL OF INTRA-EURATOM TRANSFERS. LIMITED OFFICIAL USE

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HE CAUTIONED THAT THIS SENATE REPORT IS NOT PART OF THE LAW, BUT IS CERTAINLY POWERFUL EVIDENCE IN INTERPRETING THE LAW.

8. COMMISSIONER BRUNNER EXPRESSED GREAT RELIEF AT THIS LATTER POINT, SAYING THAT IT TAKES CARE OF ONE OF THEIR WORRIES. DIRECTOR-GENERAL SCHUSTER THEN OUTLINED THE COMMISSION'S PROPOSED RESPONSE TO THE U.S. NOTE OF OCTOBER 19, WHICH HE CHARACTERIZED AS BEING ACCEPTABLE TO THE U.S. HE SAID THAT COREPER HAS NOT ACCEPTED THE COMMISSION PROPOSAL FOR A FAVORABLE RESPONSE BECAUSE SOME OF THE MEMBER COUNTRIES THOUGHT THEY HAD AN UNDERSTANDING WITH THE U.S. THAT NEGOTIATIONS NEED NOT START UNTIL AFTER INFCE. AMBASSADOR SMITH CAUTIONED THAT HIS FAILURE TO COMMENT ON SCHUSTER'S CHARACTERIZATION THAT THE COMMISSION'S PROPOSED RESPONSE WAS ACCEPTABLE TO THE U.S. SHOULD NOT BE TAKEN AS ASSENT BY HIM.

9. MR. JAN MENNICKEN, DIRECTOR-GENERAL, EURATOM SUPPLY AGENCY, NOTED THAT EUROPEAN CUSTOMERS OF U.S.-ENRICHED URANIUM APPRECIATE THEIR LONG ASSOCIATION WITH THE U.S., THAT THEY CONSIDER THE U.S. TO BE A RELIABLE SUPPLIER, AND THAT THEY WANT TO CONTINUE THAT RELATIONSHIP EVEN THOUGH THERE HAVE BEEN ADMINISTRATIVE PROBLEMS WITH EXPORT LICENCES IN THE RECENT PAST THAT HAVE BEEN A CAUSE FOR CONCERN. GENERALLY, EUROPEAN INDUSTRIES ARE NOT BOTHERED BY TIGHTENED PROCEDURES AND CONTROLS THAT COME FROM OUR NON-PROLIFERATION INITIATIVES; WHAT THEY WANT MOST OF ALL IS STABILITY AND PREDICTABILITY. HE ASKED FOR SOME INDICATION OF WHAT KIND OF NON-PROLIFERATION TERMS ARE BEING CONSIDERED IN OFFERING THE NEW SUPPLY CONTRACTS TO FOREIGN CUSTOMERS. HE ALSO ASKED ABOUT THE PROSPECTS FOR CONTINUITY OF THE SUPPLY OF HIGHLY ENRICHED URANIUM, NOTING THE INCREASINGLY STRICT CRITERIA THE U.S. HAS BEEN ADOPTING.

10. AMBASSADOR SMITH, NOTING THAT THERE ARE A NUMBER OF PEOPLE IN WASHINGTON WHO WOULD WANT TO EXTRACT AS MUCH AS LIMITED OFFICIAL USE

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POSSIBLE OUT OF LEGISLATIVE LANGUAGE IN ORDER TO ACHIEVE

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SS-15 SP-02 CEQ-01 PM-05 NSF-01 OIC-02 /104 W

-----054685 272131Z /73

R 272029Z FEB 78

FM AMEMBASSY BRUSSELS

TO SECSTATE WASHDC 5163

INFO DOE WASHDC

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AMEMBASSY VIENNA

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VIENNA FOR USIAEA

OUR NON-PROLIFERATION OBJECTIVES ABROAD, DID NOT THINK THE DEPARTMENT OF ENERGY WOULD ARBITRARILY SET THE TERMS IN THE NEW FOREIGN SUPPLY CONTRACTS. HE HOPED THEY WOULD BE TAILORED TO TAKE ACCOUNT OF THE EXISTING U.S.-EURATOM ARRANGEMENT. ON HIGHLY ENRICHED URANIUM, HE BRIEFLY OUTLINED THE NEW U.S. REVIEW PROCEDURES, NOTING THAT THE OBJECTIVE IS TO REDUCE INVENTORIES OF HEU ABROAD. HE REPORTED THAT THE PRESIDENT HAD JUST APPROVED A GROUP OF EXPORT LICENSE APPLICATIONS, INCLUDING SOME FROM EURATOM, AND THAT THE PAST RECORD INDICATES THAT THE NUCLEAR REGULATORY COMMISSION IS IN ACCORD WITH EXECUTIVE BRANCH POSITIONS. WITH RESPECT TO LICENSING PROCEDURES, HE SAID THAT ONE OF THE IMPORTANT FEATURES OF THE NEW NON-PROLIFERATION ACT WERE THE PROVISIONS THAT WERE AIMED AT SUBSTANTIALLY SPEEDING UP THE PROCESS AND THAT NOW GAVE THE PRESIDENT VETO POWER OVER THE NRC. AMBASSADOR HINTON APPEALED TO THE LIMITED OFFICIAL USE

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EURATOM SUPPLY AGENCY NOT TO WAIT UNTIL THE LAST MINUTE BUT TO BRING POTENTIAL LICENSING PROBLEMS TO THE ATTENTION OF THE U.S. MISSION AS EARLY AS POSSIBLE SO THAT IT CAN ASSIST IN GETTING PRIORITY PROCESSING IN WASHINGTON.

11. MR. CACCIA DOMINIONI PRESENTED EC VIEWS ON INFCE, NOTING EC PARTICIPATION IN ALL EIGHT WORKING GROUPS. THE PRESENT PHASE HE DESCRIBED AS COLLECTING OF TECHNICAL DATA; THE SECOND PHASE, I.E., DRAWING CONCLUSIONS, WOULD START AFTER THE IAEA GENERAL CONFERENCE IN NOVEMBER 1978. THE EC IS CONVINCED THAT PRESENT NUCLEAR TECHNOLOGY, ON BOTH TECHNICAL AND ECONOMIC GROUNDS, CAN BE MADE MORE PROLIFERATION-RESISTANT. WITH RESPECT TO ALTERNATIVE TECHNOLOGIES, HE SAID THE EC IS PREPARED TO EXPLORE THEM FULLY BUT

ALWAYS WITH THE VIEW THAT LEAD TIMES FOR DEVELOPING NEW TECHNOLOGIES MUST BE CONSISTENT WITH THEIR ENERGY NEEDS. DG SCHUSTER OBSERVED THAT INFCE IS BECOMING A MEETING POINT OF THREE GROUPS OF NATIONS WITH DIFFERING OBJECTIVES: (1) THOSE WHOSE OVERRIDING OBJECTIVE IS NON-PROLIFERATION (HE PUT CANADA, AUSTRALIA, AND SWEDEN IN THIS GROUP); (2) THOSE WHO ARE AWARE OF THE IMPORTANCE OF STRENGTHENING NON-PROLIFERATION POLICIES BUT WHO MUST AT THE SAME TIME GUARANTEE THEIR FUTURE ENERGY SUPPLY (THE EC, HE SAID IS IN THIS GROUP); AND (3) THE THIRD WORLD COUNTRIES, WHOSE PRIMARY MOTIVATION IS ASSURED ENERGY SUPPLY.

12. AMBASSADOR SMITH SAID HE WAS VERY ENCOURAGED BY THE PRESENT ENTHUSIASM FOR INFCE ON THE PART OF ALL THE PARTICIPANTS, CONSIDERING THE INITIAL CYNICISM AND PUZZLEMENT. HE SAID THAT THE TECHNICAL ASPECTS WILL BE EASIER TO HANDLE THAN THE POLITICAL ARRANGEMENTS. HE DOUBTS THAT A WORKING GROUP IS AN EFFECTIVE MECHANISM FOR COMING UP WITH INSTITUTIONAL AND POLITICAL SOLUTIONS; THIS IS PROBABLY LIMITED OFFICIAL USE

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BEST HANDLED OUTSIDE OF INFCE. HE GENERALLY AGREED WITH SCHUSTER'S THREE GROUPS, EXCEPT TO MENTION THAT CANADA HAS COOLED OFF A BIT AND IS BEING RATIONAL AND THAT JUSTICE FOX OF AUSTRALIA IS NOW DEVOTING FULL TIME TO NON-PROLIFERATION PROBLEMS AND IS SHOWING SOME OF THE BEST THINKING AROUND. ON THE THIRD WORLD COUNTRIES, HE AGREED THAT THEY ARE INTERESTED IN ENERGY SUPPLY BUT THAT ANOTHER MOTIVATION FOR SOME OF THEM WAS SIMPLY THE PRESTIGE OF JOINING THE STUDY. THE U.S. HE SAID, MIGHT LOOK TILTED TOWARD NON-PROLIFERATION BUT IS CERTAINLY INTERESTED IN EXPORTING NUCLEAR TECHNOLOGY AND HELPING OTHER NATIONS BY BEING A RELIABLE NUCLEAR SUPPLIER. PRESIDENT CARTER REALLY BELIEVES THAT NUCLEAR PROLIFERATION REPRESENTS A SERIOUS THREAT TO WORLD SECURITY. THE U.S., HE SAID, IS NOT WORRIED ABOUT EUROPE OR JAPAN BECOMING WEAPONS STATES, BUT THERE ARE COUNTRIES THAT ARE CLEARLY PRESERVING THAT OPTION. THE BEST MANAGEMENT FOR PLUTONIUM, HE SAID, IS NOT TO PRODUCE IT UNTIL IT IS NEEDED.

13. COMMISSIONER BRUNNER SAID THAT U.S. AND EC BASIC MOTIVATIONS COINCIDE MORE THAN HE PREVIOUSLY THOUGHT. INFCE CAN HELP FURTHER PUBLIC ACCEPTANCE OF NUCLEAR POWER AND THIS IS AS IMPORTANT TO THE U.S. AS IT IS TO THE EC. IT IS ESSENTIAL, HOWEVER, THAT THE RESULTS OF INFCE BE BALANCED; OTHERWISE, THE EFFECT COULD BE TO INCREASE THE RESISTANCE TO NUCLEAR POWER.

14. MR. SCHUSTER ASKED WHAT AMBASSADOR SMITH THOUGHT WAS THE REAL MOTIVATION OF THE USSR IN JOINING INFCE SINCE

THEY SEEM TO BE FULLY COMMITTED ALREADY TO WIDESPREAD  
DEPLOYMENT OF FAST BREEDER REACTORS. AMBASSADOR SMITH  
SURMISED THAT THE SOVIETS, WHO ARE PARTICIPATING ONLY IN  
WORKING GROUPS 4 THROUGH 8, HAVE PROBABLY DECIDED THAT  
THEIR INTERESTS ARE BETTER SERVED BY BEING IN INFCE THAN  
BEING ON THE OUTSIDE LOOKING IN. HE SUGGESTED WE SHOULD  
GIVE THEM THE BENEFIT OF DOUBT. HE WONDERED IF THE SOVIET  
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COMMITMENT TO FAST BREEDER REACTORS WAS ANY DEEPER THAN

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SS-15 SP-02 CEQ-01 PM-05 NSF-01 OIC-02 /104 W  
-----054699 272132Z /73

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THE FRENCH WITH THEIR PHENIX REACTORS.

15. AMBASSADOR SMITH MET PRIVATELY AND BRIEFLY WITH EC  
COMMISSIONER NATALI, AT NATALI'S REQUEST. DISCUSSIONS  
WERE NONSUBSTANTIVE. DG SCHUSTER LATER TOLD MISSION  
OFFICER THAT NATALI HAD NO PARTICULAR ISSUES TO RAISE WITH  
AMBASSADOR SMITH, THAT HE SIMPLY WANTED THE OPPORTUNITY,



FOR POLITICAL REASONS, TO MEET WITH A HIGH-RANKING U.S.  
VISITOR.

16. RESULTS OF SEPARATE MEETING WITH PERMANENT REPRESENTA-  
TIVES BEING REPORTED SEPTEL. HINTON

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** NUCLEAR PROLIFERATION, US CONGRESSIONAL DOCUMENTS, NUCLEAR FUELS, MEETINGS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 27 feb 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
**Disposition History:** n/a  
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**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
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**SAS ID:** 3427272  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** NUCLEAR NON-PROLIFERATION - AMBASSADOR SMITH AND - THE EC  
**TAGS:** PARM, ENRG, TECH, EEC, IAEA, INFCE, EURATOM, (SMITH, GERARD C)  
**To:** STATE  
**Type:** TE  
**vdkgvwkey:** odhc://SAS/SAS.dbo.SAS\_Docs/7fc0cdcc-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
EO Systematic Review  
20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014